

1. Foster Care Overview

1.1 Introduction

Foster care is a state mandated service provided through federal, state and local funds. "Foster care services" mean the provision of a full range of casework, treatment and community services for a planned period of time to a child, who is abused or neglected as defined in §63.2-100 or, in need of services as defined in §16.1-228, and his family when a child:

- (I) Has been identified as needing services to prevent or eliminate the need for foster care placement,
- (II) Has been placed through an agreement between the local board or the public agency designated by the community policy and management team and the parent(s) or guardians where legal custody remains with the parent(s) or guardians,
- (III) Has been committed or entrusted to a local board or licensed child placing agency (§63.2-905)

Foster Care Prevention Services are meant to preserve and strengthen families and keep children in their own homes. When a child must be removed from a home, the initial goal becomes the provision of services to return the child home or, if that is not possible, to achieve another permanent plan for the child.

Foster care placement is intended to be a temporary, rather than a long-term solution to family problems. A placement may be with a foster family, in a group living arrangement, in a residential treatment facility, or in an independent living situation. Services provided to children and their families may include, but are not limited to, counseling and treatment, day care, medical, educational, employment, family planning, independent living, housing, respite care, legal, socialization and recreation services.

Federal and state regulations and policies are outlined in this chapter. Requirements based on federal and state code or regulations are capitalized and relevant state code citations are included.

1.2 Definitions

The following words and terms, when used in this policy, shall have the following meaning, unless the context clearly indicates otherwise:

"AGENCY" means a public agency or licensed child-placing agency.

"COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)" means a team established by the comprehensive services act for at-risk youth and families. The team is appointed by local governing bodies to manage the cooperative effort in each community to serve the needs of troubled and at-risk youth and their families and to

maximize the use of state and community resources. This team develops local policies and procedures for provision of services to children and families. (§§2.2-5204; 2.2-5206)

"COMPREHENSIVE SERVICES ACT FOR AT-RISK YOUTH AND FAMILIES (CSA)" means the legislation that created a collaborative system of services and funding that is child centered, family focused, and community based to address the strengths and needs of troubled and at-risk youth and their families, (§2.2-5200 et. seq.).

"CONCURRENT PERMANENCY PLANNING" is a structured approach to case management which requires working towards family reunification while, at the same time, developing an alternative permanency plan.

"DEPARTMENT" means the Virginia Department of Social Services.

"DUAL APPROVAL" means approving a home concurrently as both a foster and adoptive home for children.

"FAMILY ASSESSMENT AND PLANNING TEAM (FAPT)" means the local team created through the Comprehensive Services Act to assess the strengths and needs of troubled youths and families who are referred to the team. The team identifies and determines the complement of services required to meet these unique needs. (§2.2-5208)

"FOSTER CHILD" means a person who has been placed into foster care through a non-custodial foster care agreement, entrustment or commitment before 18 years of age and who may continue to receive foster care services to age 21.

"FOSTER CARE PLACEMENT" means placement of a child through (i) an agreement between the parents or guardians and the local board or public agency designated by the community policy and management team where legal custody remains with the parents or guardians, or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. (§63.2-100)

"FOSTER CARE SERVICES" means the provision of a full range of casework, treatment and community services for a planned period of time to a child, who is abused or neglected as defined in §63.2-100 or in need of services as defined in §16.1-228, and his family when a child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board or the public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board or licensed child placing agency (§63.2-905)

"FOSTER FAMILY PLACEMENT" means placement of a child with a family that has been approved by the local department of social services to provide substitute care for children until a permanent placement can be achieved.

"FULL DISCLOSURE" means respecting parents by providing them with complete information about their rights, responsibilities, expectations, the importance of staying

connected to their children, and the consequences of not following through on the service plan. It is a process that facilitates open and honest communication among the social worker, the biological parents and extended family members, caregivers and the court.

"INDEPENDENT LIVING SERVICES" means services provided to foster children to prepare them for transition into adulthood. All youth age 16 and over must receive independent living services. These services are not contingent on the youth having a permanency goal of independent living nor are they contingent upon the youth residing in an independent living arrangement.

"INDIVIDUAL FAMILY SERVICE PLAN (IFSP)" means the plan for services developed by the family assessment and planning team under the Comprehensive Services Act.

"LOCAL DEPARTMENT" means a local department of social services.

"MAINTENANCE" means payments made on behalf of a child to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child and reasonable travel for a child's visitation with family or other caretakers.

"NON-CUSTODIAL FOSTER CARE AGREEMENT" means the agreement that specifies the conditions for care and control of the child that the local department of social services or public agency designated by the Community Policy and Management Team enters into with the parent(s) or guardians to place a child in foster care when the parent(s) or guardians retain custody.

"PERMANENCY" for children means establishing family connections and placement options for children in order to provide a lifetime of commitment, continuity of care, a sense of belonging and a legal and social status that goes beyond the child's temporary foster care placement.

"PERMANENCY PLANNING INDICATOR" is a tool used in concurrent planning to assess the likelihood of reunification. It assists the worker in determining if a child should be placed with a resource family.

"PERMANENCY PLANNING" means an array of social work and legal efforts directed toward securing safe, nurturing, life-long families for children in foster care.

"PRIOR CUSTODIAN" means the person with whom the child resided, other than the birth parent(s), before custody was transferred to or placement made with the local department of social services when that person had custody of the child.

"RESOURCE FAMILY" is an approved relative or foster family home which agrees to both support reunification and be prepared to adopt the child if the child and family do not reunify.

"REUNIFICATION" means the return of the child to his or her home, based on a permanent plan, after removal for reasons of child abuse and neglect, abandonment, child in need of services, parental request for relief of custody, non-custodial agreement, entrustment, or any other court-ordered removal.

"SERVICE FEE DIRECTORY" means the directory created by the Comprehensive Services Act which lists services offered and rates charged by any entity, public or private, that offers specialized services for at-risk youth or families.

"SERVICE WORKER" means the worker primarily responsible for case management or service coordination and meeting the foster care requirements for a foster care case.

"SACWIS" (State Approved Child Welfare Information System) is the automated child welfare system in Virginia. SACWIS is the official system of record in Virginia. All foster care case information that can be documented using the screens available in the SACWIS system must be completed for every case.

"STATE POOL FUND" means the pooled federal, state and local funds established by the Comprehensive Services Act and used to pay for services authorized by the Community Policy and Management Team, including foster care services.

"TITLE IV-E" is the title of the Social Security Act that authorizes federal funds for foster care and adoption assistance.

1.3 Federal And State Requirements

Specific foster care requirements are set forth in the following federal laws: the Indian Child Welfare Act of 1978; the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), the Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996; the Adoption and Safe Families Act of 1997; and the Foster Care Independence Act of 1999. The amount of financial participation by the federal government is dependent upon compliance with federal regulations. Requirements are also in state laws pertaining to foster care and the Comprehensive Services Act (§2.2-5200). The federal and state requirements for serving children and families ensure that:

- Children and families with complex needs are assessed and served on an interagency basis;
- Pre-placement services are provided and reasonable efforts are made to prevent unnecessary removal of children from their families;
- If placement occurs, a judicial determination is made that reasonable efforts to prevent out-of-home placement have occurred;
- Placement of children is appropriate and takes into account their special needs;
- The child's health and safety shall be the paramount concern of the court and the local department of social services throughout the case planning, service provision and review process;
- Foster and adoptive home placements are neither delayed nor denied based on the race, culture, or ethnicity of the child and family.
- Permanency planning should begin as soon as a child enters foster care and should be expedited by the provision of services;
- The location of the placement facilitates visitation and communication between parent(s) and children;
- Young adults leaving foster care should be provided with an extensive program of education, training, employment, and financial support by local departments of social services.
- The best interests of Indian children are protected and the stability and security of Indian tribes and families is promoted by placing Indian children in foster or adoptive homes that reflect the unique values of Indian culture;
- The length of time children spend in out-of-home care is reduced, and discrimination in placement decisions is prevented;
- Service plans are current and reviewed every six months;
- The needs of children are met while they are in foster care out-of-home placement;
- Reasonable efforts to reunify the child with the family are made; and
- Decisive and timely action occurs to secure permanent homes for foster children, including reunification when possible, or placement in another permanent and legally secure home.

1.4 Guiding Principles

These guiding principles for permanency services in Virginia shall be incorporated in all decisions in case planning and service delivery for children in foster care and their families.

To achieve permanency for children in foster care, services provision shall be timely and based on the following principles:

- The welfare of the child is of paramount interest;
- Children have the right to a safe, stable, and permanent home;
- Children have a right to be reared by their families when their parents and relatives are able to do so in an adequate manner;
- Families can be empowered to assume responsibilities to provide adequate care for their children;
- Recognizing that some families are unable or unwilling to resume their parenting responsibilities, services should be provided to ensure a safe, stable, and permanent home. This should be done by placement of the child with relatives accompanied by transfer of legal custody; by adoption; or by placement in permanent foster care when foster parents are willing to assume permanent parental responsibility as long as the child is in the custody of the local department of social services;
- Independent living services should be provided to all youth in foster care, as appropriate, in order that transition to adult living is successful;
- Partnership and teamwork among the child, the birth family or prior custodian, foster parent, resource parent, adoptive parent, the local department of social services, and other service providers are essential to permanency planning for each child in foster care; and
- Children and their families have the right to be treated with respect, sensitivity and fairness. They also have the right to know and understand as well as possible, what services are being provided, the purpose of the services, and their rights and obligations.